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Of Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DOUGLAS ASKE,

Plaintiff,

v.

CLATSKANIE SCHOOL DISTRICT 6J, an
Oregon Public School District, CATHY
HUROWITZ,

Defendants.

Case No. 3:19-cv-00517

Columbia County Circuit Court
Case No. 19CV07445

**DEFENDANTS’ NOTICE OF
REMOVAL OF CIVIL ACTION**

JURY TRIAL DEMAND

TO THE CLERK OF COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Clatskanie School District 6J and Cathy Hurowitz (collectively “Defendants”) hereby remove to this Court the case now pending in Columbia County Circuit Court as *Douglas Aske v. Clatskanie School District 6J, an Oregon Public School District, Cathy Hurowitz*, Case No. 19CV07445. As grounds for removal, Defendants state as follows:

NOTICE OF REMOVAL IS TIMELY

(1) On February 15, 2019, Plaintiff Douglas Aske filed a Complaint in this action now pending in Columbia County Circuit Court as *Douglas Aske v. Clatskanie School District*

6J, an Oregon Public School District, Cathy Hurowitz, Case No. 19CV07445. The Complaint contains one claim for relief under 42 U.S.C. § 1983 and four claims for relief under Oregon statutory and common law. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint are attached hereto as **Exhibits 1 and 2**.

(2) Plaintiff served both Defendants with the Summons and Complaint on March 13, 2019. A copy of the Affidavits of Service upon Defendants, filed on April 4, 2019, are attached hereto as **Exhibit 3**.

(3) Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders received by Defendants accompany this notice of removal as exhibits. No other pleadings or orders have been received by or served by Defendants in the underlying case.

(4) Plaintiff's Complaint is removable pursuant to 28 U.S.C. § 1441(c)(1)(A) because it contains a claim arising under federal law. This Notice of Removal is filed within 30 days of receipt by Defendants of Plaintiff's Complaint, and therefore removal is timely under 28 U.S.C. § 1446(b)(1).

(5) As of the date of the filing of this Notice of Removal, Defendants Clatskanie School District 6J and Cathy Hurowitz are both represented by the undersigned counsel, have been served with the Complaint, and wish to remove this case to federal court.

(6) No further proceedings have been had in the Circuit Court of Columbia County, Oregon as of the date of this removal.

FEDERAL QUESTION JURISDICTION EXISTS

(7) This is a civil action over which this court has original jurisdiction pursuant to 28 U.S.C. § 1331, which provides the Court with original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

(8) Plaintiff's Third Claim for Relief, violation of 42 U.S.C. § 1983, arises out of a law of the United States.

(9) This Court has supplemental jurisdiction over Plaintiff's remaining Oregon statutory and common law claims for relief pursuant to 28 U.S.C. § 1367(a).

REMOVAL TO THIS DISTRICT IS PROPER

(10) Pursuant to 28 U.S.C. §§ 1331, 1446, and 1447, removal of the above-captioned state court action to this court is appropriate.

(11) Pursuant to 28 U.S.C. § 1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

FILING OF REMOVAL PAPERS

(12) Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal of Civil Action is being served upon counsel for Plaintiff, and a copy will be filed with the clerk of the Circuit Court of the State of Oregon for the County of Columbia.

WHEREFORE, Defendants remove this civil action from the Circuit Court of the State of Oregon for the County of Columbia and request that all further proceedings be conducted in this Court.

Respectfully submitted this 9th day of April, 2019.

HART WAGNER, LLP

By: /s/ Karen O'Kasey

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Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April, 2019, I served the foregoing

DEFENDANTS' NOTICE OF REMOVAL OF CIVIL ACTION on the following party at the following address:

Kevin T. Lafky
Christopher M. Edison
Lafky & Lafky
429 Court St. NE
Salem, OR 97301
Of Attorneys for Plaintiff

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Karen O'Kasey

Karen O'Kasey